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OFFICE OF PETITIONS

In re Application of :
Hommen et al. :
Application No. 10/635,583 : ON PETITION
Filed: 6 August, 2003 :
Attorney Docket No. P2001.0128 :

This is a decision on the renewed petition under 37 CFR 1.137(a),¹ filed on 28 February, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 10 May, 2004, for failure to timely file a response to non-final Office action mailed on 9 February, 2004, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 18 October, 2004. The petition filed on 23 December, 2004, was dismissed on 17 February, 2005.

¹A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application is restored to pending status.

The application is being forwarded to Technology Center Art Unit 1756 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
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Office of Petitions